United Nations S/AC.51/2009/4

Security Council

Distr.: General
28 October 2009

Original: English

Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Myanmar

1. At its 21st meeting, on 1 July 2009, the Working Group on Children and Armed Conflict examined a report of the Secretary-General on children and armed conflict in Myanmar (S/2009/278), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Chargé d'affaires a.i. of the Permanent Mission of Myanmar to the United Nations participated in the subsequent discussion.

2. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005) and took note of the analysis and recommendations contained therein.

3. The main elements of the exchange of views among the members of the Working Group were as follows:

(a) The members of the Working Group welcomed some significant strides made by the Government of Myanmar in the last year and in particular several ongoing initiatives taken by the Government concerning actions to discharge children from the armed forces and training and awareness-raising activities for military personnel on international and national law on the prevention of recruitment of children;

(b) They expressed concern regarding the number of child soldiers remaining in armed groups and the reports of new recruitments by armed forces and armed groups, and the need to improve the access for the delivery of humanitarian assistance by United Nations agencies and other humanitarian organizations to vulnerable populations;

(c) They expressed their wish for enhanced cooperation between the Government of Myanmar and the country task force on monitoring and reporting to develop and implement, without further delay, concrete time-bound action plans for the release of children associated with armed forces and armed groups, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005).

4. The Chargé d'affaires a.i. of the Permanent Mission of Myanmar:

(a) Highlighted the measures taken by the Government to ensure that no one under the age of 18 years is recruited into their Defence Forces, including the establishment of a High-level Committee for the Prevention of Military Recruitment

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of Underage Children, the return of a total of 265 children to their respective guardians between 2004 and April 2009, the advocacy and awareness-raising campaigns to prevent recruitment of children and the provision of lists of the discharged child recruits to the United Nations country team, which include the addresses of the discharged recruits for ease of verification and follow-up activities for the United Nations country team;

(b) Expressed the commitment of the Government of Myanmar to cooperate with the United Nations country task force on monitoring and reporting to update its existing Action Plan to stop child recruitment to be in line with international standards;

(c) Stated that any dialogue established under the framework of monitoring and reporting mechanism by United Nations entities with non-State armed groups must abide by resolution 1612 (2005), in order to avoid inadvertently legitimizing them;

(d) Characterized the report as subjective and lacking balance, and insisted on giving due recognition to the positive measures taken by the Government.

5. The members of the Working Group took note of the information provided by the representative of the Government of Myanmar.

Public statements by the Chairman of the Working Group

6. Further to that meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005) and 1882 (2009), the Working Group agreed to address messages to all parties to the armed conflict in Myanmar mentioned in the report of the Secretary-General (S/2009/278) through public statements by its Chairman on behalf of the Working Group:

(a) Calling their attention to the fact that the Security Council has received the second report by the Secretary-General on children and armed conflict in Myanmar (S/2009/278);

(b) Expressing its strong condemnation of all recruitment and use of children in violation of national and international law;

(c) Expressing deep concern about the continued lack of humanitarian access, particularly in contested and ceasefire areas, which is an impediment to providing humanitarian assistance;

(d) Urging them:

(i) To comply without further delay with the previous Security Council Working Group conclusions (S/AC.51/2008/8) and refrain immediately from any child recruitment and use of children in contravention of national and applicable international law;

(ii) To take all necessary action towards the full implementation of their commitments and obligations through the expeditious development of action plans in line with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009), and to release all children still present within their ranks in a manner that allows effective confirmation and follow-up by the country task

force on monitoring and reporting, and to ensure the safety and security of monitors, witnesses and victims;

(iii) To release immediately all abducted children, ensure their return to their families and communities and take all necessary measures to put an end to and prevent abduction;

(iv) To cease the arrest of children for desertion, if any, and to ensure their swift release;

(v) To take measures to prevent all violations committed against children, including sexual and gender-based violence, and to take specific measures so that perpetrators are held accountable;

(vi) To facilitate access for provision of humanitarian assistance;

(vii) To take measures to eradicate anti-personnel landmines not used in accordance with applicable international law and to remove unexploded ordnance immediately after the cessation of hostilities, in order to avoid the killing and maiming of children as a result of their use.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit letters from the Chairman of the Working Group addressed:

To the Government of Myanmar

(a) Welcoming:

(i) The meeting that took place on 20 August between the High-level Committee for the Prevention of Military Recruitment of Underage Children and the country task force on monitoring and reporting and the promise of a follow-up meeting to further discuss the integration of the recommendations of the Working Group into a time-bound action plan and to support their implementation;

(ii) The agreement of the Government to update the Tatmadaw Kyi action plan to stop child recruitment to bring it in line with international standards;

(iii) The progress in follow-up to the recommendations contained in the Secretary-General's report (S/2007/666) and to the subsequent conclusions of the Working Group on Children and Armed Conflict (S/AC.51/2008/8);

(iv) The progress on dialogue and action plans with non-State actors made possible through Government facilitation of initial meetings, specifically between the Special Rapporteur on the Situation of Human Rights in Myanmar and members of the country task force on monitoring and reporting with the Karen National Union/Karen National Liberation Army Peace Council and the Democratic Karen Buddhist Army leaders;

(v) The concrete steps taken concerning actions to discharge children from the armed forces and the ongoing initiatives, in close collaboration with the country task force on monitoring and reporting, the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC) and the International Labour Organization (ILO), regarding training courses,

comprehensive education and awareness-raising activities for military personnel on international and national law on the prevention of recruitment of children in contravention of applicable international law, at the national, regional and divisional levels;

(vi) The acceptance of the principle that a child recruited in contravention of applicable international law cannot be found guilty of desertion;

(b) Encouraging it to consider acceding as soon as practicable to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(c) Urging it:

(i) To finalize as soon as possible the action plan of the Tatmadaw Kyi and bring it into line with Security Council resolutions 1612 (2005) and 1882 (2009), and ensure effective verification by the United Nations country task force on monitoring and reporting;

(ii) To facilitate the access of United Nations personnel to areas under the control of the Government of Myanmar and to the areas under the control of armed groups with which it has a ceasefire accord where illegal recruitment is taking place, in order to expedite the development of action plans by armed groups, in line with Security Council resolutions 1612 (2005) and 1882 (2009);

(iii) To prosecute as a matter of priority persons responsible for crimes committed against children and to share details of those investigations, where appropriate, with United Nations monitors, to systematize and institutionalize disciplinary processes and/or action against those responsible for aiding and abetting the recruitment of children and, in this regard, to take the appropriate measures, while bearing in mind the importance of making those processes fair and transparent, with due regard to the best interest of the child;

(iv) To continue the close collaboration with the country task force on monitoring and reporting, UNICEF, ICRC and ILO regarding training courses, comprehensive education and awareness-raising activities for military personnel to raise public awareness that the recruitment and use of children by armed groups is unlawful and stressing the need to protect children from violence in accordance with national and applicable international law, including international humanitarian law;

(v) To intensify its cooperation with the country task force on monitoring and reporting, bearing in mind the importance of facilitating travel in Myanmar;

(vi) To facilitate access of international and national child protection actors to all children for humanitarian assistance;

(vii) To maintain and expand the ILO complaints mechanism to develop a more open monitoring function, accessible for all children present in the ranks of armed forces and groups;

To the Secretary-General

(d) Welcoming the meeting that took place on 20 August between the country task force on monitoring and reporting and the High-level Committee for the Prevention of Military Recruitment of Underage Children and the promise of a follow-up meeting to further discuss the integration of the recommendations of the Working Group into a time-bound action plan and to support their implementation;

(e) Welcoming his recommendation to the country task force on monitoring and reporting to strengthen its monitoring and reporting capacity through increased staffing and wider geographical coverage with a view to improving its work, including prevention, protection, release and reintegration support activities;

(f) Inviting him to continue strengthening the country task force on monitoring and reporting, in accordance with Security Council resolutions 1612 (2005) and 1882 (2009), to establish a systematic protection dialogue with all parties to the conflict with the goal of creating concrete time-bound action plans to halt recruitment and use of child soldiers, killing and maiming of children and rape and other forms of sexual violence against children in contravention of applicable international law, and to address other violations and abuses as appropriate;

(g) Also inviting him to consider the strengthening of the efforts of the United Nations to provide adequate health care and psychosocial care to child victims, including child victims of sexual violence;

To the Security Council

(h) Recommending that the issue of the situation of children in armed conflict continue to be duly taken into account in its considerations of the situation in Myanmar, taking also into consideration the conclusions of the Working Group in this regard.

Direct action by the Working Group

8. The Working Group agreed to address letters to the World Bank and donors, requesting donors and regional and international financial institutions to provide, as appropriate, funding to support the Government of Myanmar and relevant humanitarian actors in reintegration and rehabilitation activities for children formerly associated with armed forces and groups, and drawing their attention to the importance of educational and socio-economic reintegration, including poverty alleviation activities, in order to prevent the recruitment and the use of children in armed forces and groups by providing those children with a viable alternative, and to the necessity to assist the Government of Myanmar in establishing a credible age verification mechanism and a comprehensive national strategy to prevent and combat sexual violence.